

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

**FILED
CLERK**

11:15 am, Jan 19, 2017

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SHAINA DROUILLARD, on behalf of herself and all others
similarly situated,

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Plaintiffs,

-against-

**ORDER
16-cv-0624(ADS)(AKT)**

SPRINT/UNITED MANAGEMENT COMPANY,

Defendant.

-----x
APPEARANCES:

Neil H. Greenberg & Associates, P.C.

Attorneys for the Plaintiffs

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By: Steven D. Hurd, Esq.
Harris M. Mufson, Esq., Of Counsel

SPATT, District Judge:

On February 6, 2016, the Plaintiff Shaina Drouillard commenced this putative wage-and-hour class action under the Fair Labor Standards Act (“FLSA”) and the New York Labor Law. In particular, the operative complaint alleges that the Defendant, a cell phone and wireless service provider, failed to pay its retail store employees the statutorily-required regular and overtime wages.

On December 29, 2016, the Plaintiffs filed a motion, pursuant to section 216(b) of the FLSA, seeking to conditionally certify this case as a collective action on behalf of all individuals

who were employed by the Defendant as Lead Retail Consultants and Store Managers from February 5, 2010 to the present.

Although this Court does not adhere to a “bundling rule,” the fully-briefed motion, including the Defendant’s response and the Plaintiff’s reply, was filed with the moving papers on December 29, 2016.

As this Court has previously noted, “a magistrate judge has jurisdiction over a motion seeking conditional class certification because it is only a preliminary determination and is not dispositive.” *Ahmed v. T.J. Maxx Corp.*, No. 10-cv-3609, 2013 U.S. Dist. LEXIS 81942, at *18 (E.D.N.Y. June 8, 2013) (Spatt, J.) (citing cases) (quotation marks omitted). Therefore, the Court deems the Plaintiffs’ motion for conditional certification as referred to United States Magistrate Judge A. Kathleen Tomlinson for a final decision, subject only to this Court’s review under Federal Rule of Civil Procedure 72.

The Clerk of the Court is to note the referral.

It is **SO ORDERED**.

Dated: Central Islip, New York
January 19, 2017

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge